IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL, CIVIL JURISDICTION

NOTICE OFMOTION NO.414 OF 2006
IN
WRIT **PETITION NO.1050 OF 2003**

Jennifer Ulhas Chavan ..Petitioner

Vs.

Air India Limited & Anr....Respondents

Mr. Anand Grover, Senior Counsel with Mr. V.P. Patil, for the Petitioner.

Mr. J. Saluja with Mr. H. Rehman i/b. M.V. Kini & Co., for Respondents

CORAM: **F.I. REBELLO &**

ANOOP V. MOHTA, JJ.

DATE: 1ST SEPTEMBER 2006

P.C.

. Heard Counsel for the parties. We hae considered the arguments and contentions as advanced. In so far as prayer clause (a) is concerned, in the affidavit of Bhasker Sen Gupta, Senior Manager of Respondent No.1 a letter dated 29th August, 2006 is annexed, intimating to the petitioner the fitness club with health club facilities are available and which she can avail of. Considering that the relief in terms of prayer clause (a) no longer survives.

2. In so far as prayer clause (b) is concerned nothing is brought to our attention based on any circular or conditions of service that the petitioner

is entitled to such facilities except the fitness programme which is already granted.In the light of that, prayer (b) is rejected.

3. The only other grievance made by the petitioner is that the respondents are not accepting the certificate issued by Hinduja Hospital in the matter of Body Mass Index. It is pointed out on behalf of the respondents that they dispute the certificate as on a subsequent check up the petitioner was found over weight. We ordinarily would not have gone into the issue, but it is pointed out to us that if the petitioner does not commence flying duties from today, she will not be allowed for another six months. Considering that the following directions:-

. The petitioner is directed to go to Nanavati Hospital on 2nd September, 2006 and obtain the necessary certificate of Body Mass Index which will be produced to the respondents. The Nanavati Hospital to certify the same and the Petitioner to produce the same before the Respondents. If the petitioner meets with the Body Mass Index requirement then the respondents to treat the petitioner as if she on the Roster of flight list from today.

. With the above direction, Notice of Motion disposed of.

(F.I. REBELLO, J)

(ANOOP V. MOHTA, J).